

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 STR-04 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 CIEP-01 FAA-00 TRSE-00
MC-02 PM-04 NSC-05 SP-02 SS-15 L-03 H-01 /066 W
----- 046695

P 081748Z DEC 76

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC PRIORITY 1855

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POUCHED AS INFO TO ALL AMCONSULS CANADA

PASS STR; COMMERCE; FAA FOR DR. MCLUCAS

MONTREAL FOR USREP ICAO

E.O. 11652: N/A

TAGS: EAIR, ETRD, CA

SUBJ: STRAINS IN THE U.S.-CANADA AIRWORTHINESS AGREEMENT

REF: OTTAWA 4652

1. SUMMARY: MINISTRY OF TRANSPORTATION (MOT)
OFFICIAL HAS EXPRESSED CONCERN AT WHAT HE INTERPRETS
AS FAA'S THREATENING ATTITUDE TOWARD NEW CANADIAN
AIRWORTHINESS INSPECTION PROCEDURES. SITUATION
HAS POTENTIALLY SERIOUS IMPLICATIONS FOR CONTINUATION
OF AIRWORTHINESS AGREEMENT AND FOR U.S./ CANADIAN
TRADE RELATIONS. EMBASSY RECOMMENDS CLOSE COORDINATION
BETWEEN FAA, STATE AND OTHER APPROPRIATE AGENCIES.
END SUMMARY.

2. SURING COURSE OF PERIODIC REVIEW OF AVIATION
MATTERS BETWEEN TCO AND WALTER MCLLISH, ADMINISTRATOR,
CANADIAN AIR TRANSPORTATION ADMINISTRATION, MOT,
MCLEISH RAISED MATTER OF NEW CANADIAN AIRWORTHINESS
INSPECTION PROCEDURES AND EXPRESSED DEEP CONCERN ABOUT
WAY IN WHICH FAA IS REACTING TO CANADIAN POSITION.
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HE WAS PARTICULARLY UPSET BY STATEMENT IN LETTER

DATED NOVEMBER 9 FROM R.P. SCULLY, DIRECTOR, FLIGHT STANDARDS SERVICE, FAA, THAT "IF THIS PROCEDURE IS IMPLEMENTED, WE MAY BE FORCED TO ESTABLISH SIMILAR VALIDATION PROCEDURES TO COVER ALL AIRCRAFT AND RELATED COMPONENTS EMANATING FROM CANADA" WHICH HE (MCLEISH) INTERPRETED AS THREAT TO CANADIAN EXPORTS OF AIRCRAFT AND COMPONENTS TO U.S.

3. MCLEISH SAID HIS MEETING WITH FAA ADMINISTRATOR MCLUCES IN AUGUST HAD GONE SMOOTHLY. MCLUCAS HAD EVINCED AN UNDERSTANDING AND ACCEPTANCE OF REASONS FOR CANADIAN PROCEDURES. SCULLY LETTER SEEMS TO TAKE A DIFFERENT TACK AND REFLECTS AN ATTITUDE WHICH COULD LEAD TO "POTENTIAL CATASTROPHY" IN TRADITIONAL COOPERATIVE BILATERAL RELATIONSHIP IN AIRWORTHINESS AREA.

4. MCLEISH SAID GOC PROCEDURES ARE BASED ON NEED TO TAKE ACCOUNT OF SPECIAL SAFETY CONSIDERATIONS FOR AIRCRAFT OPERATING IN CANADIAN ENVIRONMENT. HE COULD NOT OBJECT TO ADOPTION OF SIMILAR VALIDATION PROCEDURES BY USG IF U.S. HAS SAFETY PROBLEMS WITH CANADIAN AIRCRAFT AND COMPONENTS BUT THERE IS NO RECORD OF SUCH PROBLEMS. ABSENT SAFETY PROBLEMS, MCLEISH SAID "IF USG TAKES THAT APPROACH (I.E. VALIDATION PROCEDURES FOR CANADIAN EQUIPMENT) GOC WILL TAKE SAME APPROACH WITH RESPECT TO THE 1500 U.S. AIRCRAFT UNDER 12,500 POUNDS ANNUALLY IMPORTED INTO CANADA (AND NOT COVERED BY NEW CANADIAN PROCEDURES) PLUS U.S. COMPONENTS. THE RESULT WILL BE A JUNGLE. THE ENTIRE AIRWORTHINESS AGREEMENT WILL BE IN JEOPARDY, HE IMPLIED.

5. MCLEISH PLANS TO REQUEST ANOTHER MEETING WITH MCLUCAS IN JANUARY. IN I TERIM HE PLANS TO TALK BY PHONE WITH FAA ASSISTANT ADMINISTRATOR CAREY AND TO SEND NEWLY APPOINTED CATA DEPUTY ADMINISTRATOR ST. JOHN TO WASHINGTON DECEMBER 13-14 FOR INFORMAL MEETINGS AT FAA AND COCKTAIL PARTY TO BE GIVEN BY CANADIAN LIAISON OFFICER TO FAA. (NOTE: ST. JOHN IS NEW TO LIMITED OFFICIAL USE

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CIVILIAN AERONAUTICS, BUT HAS HAD EXTENSIVE U.S. EXPERIENCE WITH THE CANADIAN MILITARY. FAA MAY BE ABLE TO CLEAR THE AIR SOMEWHAT WITH HIM ON THIS OCCASION.)

6. COMMENT: AIRWORTHINESS ISSUE IS BEING HANDLED QUIETLY AT PRESENT. MCLEISH TOLD TCO HE HAS NOT EVEN INFORMED EXTAFK OF DEPARTMENT OF INDUSTRY, TRADE AND COMMERCE THAT THERE IS A PROBLEM, AS

HE WANTS TO WORK IT OUT WITH FAA. SITUATION WOULD APPEAR TO BE POTENTIALLY SERIOUS HOWEVER AND THERE IS NO DOUBT THAT IF DISPUTE IS PUBLICIZED, PARLIAMENTARY AND PRESS REACTION WILL BE OVERWHILMINGLY AGAINST FAA AND USG FOR INSENSITIVITY TO GOC CONCERNS ABOUT AIRCRAFT SAFETY.

7. WITHOUT TAKING A POSITION ON MERITS OF DISPUTE, EMBASSY URGES THAT USG POSITION FOCUS ON SAFETY ASPECTS. GOC REGARDS FAA CERTIFICATION PROCEDURES AS INADEQUATE TO ASSURE SAFETY OF LARGE AIRCRAFT OPERATING IN CANADIAN ENVIRONMENT EVEN THOUGH THEY MAY BE PERFECTLY ADEQUATE IN U.S. ENVIRONMENT. IT WOULD SEEM THEREFORE THAT USG SHOULD ATTEMPT TO DISSUADE GOC FROM ITS VIEW ON BASIS TECHNICAL SAFETY ARGUMENTATION OR ACCEPT GOC CONCEPT OF ITS RESPONSIBILITIES WITH RESPECT TO REGISTRATION UNDER CANADIAN FLAG. LIKEWISE, ANY NEW USG VALIDATION PROCEDURES SHOULD BE JUSTIFIED ON SAFETY GROUNDS, NOT THROWN UP AS RETALIATORY TRADE BARRIERS.

8. ESPECIALLY IN VIEW OF POSSIBLE CONSEQUENCES FOR AIRWORTHINESS AGREEMENT AND POSSIBLE TRADE POLICY IMPLICATIONS OF A TIT-FOR-TAT APPROACH TO VALIDATION PROCEDURES, EMBASSY RECOMMENDS THAT FAA POSITION BE COORDINATED IN ADVANCE OF DECEMBER 14 MEETING WITH STATE (OA PLUS EUR/CAN) AND OTHER APPROPRIATE AGENCIES.

9. EMBASSY WOULD APPRECIATE BEING INFORMED PROMPTLY OF RESULTS OF FAA DISCUSSIONS WITH CANADIANS ON THIS ISSUE.

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10. FYI. TCO HAS IMPRESSION THAT, IN ADDITION TO SUBSTANTIVE CONCERNS, MCLEISH'S FEELINGS MAY HAVE BEEN SLIGHTLY BRUISED BY FACT THAT REPLY TO HIS LETTER TO MCLUCAS CAME FROM LOWER LEVEL OFFICIAL RATHER THAN THE ADMINISTRATOR, HIS COUNTERPART. ENDERS

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